THE HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.15107 of 2006

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Dated: September 8, 2006

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Between:

S. Madhusudhan Rao, S/o. Gopal Rao, aged about
61 years, Retd. Assistant Social Welfare Officer,
R/o. Flat No.52, 7 Hills Colony, Uppal, Hyderabad-60.

… Petitioner

And

The Registrar, Osmania University, Hyderabad,
And another.

... Respondents

Order:

This writ petition has been filed seeking Mandamus to declare the action of the respondents in not sending the answer script of the petitioner for revaluation/recounting as illegal and arbitrary.

2. The case of the petitioner, a retired employee, is that he has joined L.L.B. course during the academic year 2004-05 and passed first and second semesters. It is stated that he has appeared for III semester during February, 2006 consisting of five papers. When results of III semester were declared, petitioner was declared to have passed except in one of the subjects, namely, Transfer of Property

including Easements. Petitioner, on an apprehension that his answer script was not properly valued, has applied for revaluation/recounting in the said subject. His grievance is that no action whatsoever is being taken on his request for revaluation/recounting and he is not being permitted to peruse the answer script. Hence, he has come up with the present writ petition.

3. Heard the learned counsel for the petitioner and the learned Standing Counsel appearing on behalf of the respondent-university.

4. Respondents have filed counter affidavit stating that pursuant to the request of the petitioner, his answer script was sent to separate valuers, wherein no change was found in the marks, which were earlier awarded to him. It is stated that as per the academic regulations, if a candidate secures 10 marks more than the marks, which he secured previously after two independent valuations, the result would be changed.

5. The learned Standing Counsel has also produced the answer script of the petitioner, which would indicate that even after its revaluation; there is no change in the marks, which were previously awarded to the petitioner. Except the petitioner's own assessment with regard to the correctness of the answers given, there is no other basis. It is to be seen that expectation of students is not the criterion for awarding marks. It is for the examiners, who are experts in the field, to look into a particular answer and make their own assessment for awarding marks, having regard to the nature of question and the way in which the student answers it. Respondents have sent the answer script of the petitioner for valuation to separate valuers, wherein it was found that there is no change in the marks which were previously awarded. In that view of the matter, the submission of the petitioner

that the respondents have not acted upon the request of the petitioner cannot be countenanced.

6. The writ petition is devoid of merits and is accordingly dismissed without any order as to costs.

JUSTICE R. SUBHASH REDDY.

September 8, 2006
MRR